

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE ESTABLISHMENT OF )  
THE ANNUAL NEW MOTOR VEHICLE DEALERS ) PSC DOCKET NO. 04-11MV  
ASSESSMENT FOR 2004 )  
(OPENED JANUARY 27, 2004) )

**ORDER NO. 6350**

**AND NOW**, to wit, this 10th day of February, 2004;

**WHEREAS**, pursuant to 6 Del. C. § 4915(g), the Commission is empowered to develop an annual assessment to be paid by all new motor vehicle dealers in order to defray the annual cost to the Commission of administering the applicable provisions of 6 Del. C. § 4915 pertaining to the establishment and relocation of new motor vehicle dealer franchises;

**AND WHEREAS**, the Staff of the Commission has reported: (1) that the proposed annual cost of administration of such section for fiscal year 2005 is \$15,000; (2) that the unexpended amount for such administration remaining from fiscal year 2003 was \$27,000; and (3) that the amount projected to remain unexpended at the end of fiscal year 2004 will probably exceed the amount of \$15,000;

**AND WHEREAS**, in light of the above reports, it appears that the projected unexpended amount for fiscal year 2004 will be substantially equivalent to the amount projected to be needed for administration in fiscal year 2005 and that, if any present assessment was in fact imposed, the amount to now be collected would not greatly exceed the costs of determining and collecting such an additional assessment;

**AND WHEREAS**, given the above projections about the unexpended amount available and the costs of collection equaling any amount which would be received under a new assessment, the Commission believes that the

prudent, and appropriate course, is not to impose an assessment for the year 20024 but, rather, as permitted by 6 Del. C. § 4915(g), to have the unexpended amounts carried forward to the new fiscal year, thereby eliminating the need for any annual assessment for the year 2004;<sup>1</sup> now therefore,

**IT IS ORDERED:**

1. That, pursuant to 6 Del. C. § 4915(g), the Delaware Public Service Commission determines, based upon the report presented by its Staff and for the reasons set forth in this Order, that the Commission need not, for the year 2004, make an assessment against new motor vehicle dealers to defray the anticipated costs for administering the provisions of 6 Del. C. § 4915 in fiscal year 2005. In particular, the Commission determines that the unexpended amount remaining from fiscal year 2003 and the amount projected to be remaining from fiscal year 2004 are sufficient to defray the projected costs of administration in fiscal year 2005.

2. That, in light of the determination made that an assessment is not needed, the Secretary need not notify each new motor vehicle dealer of any annual assessment. However, the Secretary shall post a copy of this Order to the Commission's Internet website with a notation that any new motor vehicle dealer may file a protest with the Commission if the

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<sup>1</sup>The Commission notes the confusing nature of the required calculations given that the State budgets on a July to June fiscal year, but the provisions of 6 Del. C. § 4915 calculates the assessment utilizing a January to December calendar year.

dealer believes that the Commission's decision not to impose an assessment is improper.

3. That the Commission reserves the jurisdiction and authority to enter such other or further Orders concerning this matter as may be deemed to be necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae  
Chair

/s/ Joshua M. Twilley  
Vice Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Donald J. Puglisi  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary